



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, June 9, 2005, 7:30 p.m.
777 B Street, Hayward, CA 94541**

MEETING

Chair Sacks asked for five minutes to review amended conditions of approval presented before the meeting. The regular meeting of the Hayward Planning Commission was called to order at 7:33 p.m., by Chair Sacks followed by the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS: Lavelle, Thnay, McKillop, Bogue, Peixoto, Zermeno
CHAIRPERSON: Sacks
Absent: COMMISSIONER: No

Staff Members Present: Anderly, Camire, Emura, Gaber, Hart, Patenaude, Lens

General Public Present: Approximately 15

PUBLIC COMMENTS

There were no public comments.

PUBLIC HEARINGS

1. Use Permit No. PL-2005-0123 – Ken Johnson (Applicant) / John Kim (Owner) – Request to Operate a Payday Loan Facility – The Project is Located at 24457 Mission Boulevard
(Continued from May 19, 2005)

Staff report submitted by Associate Planner Camire, dated June 9, 2005, was filed.

Associate Planner Camire noted that both the applicant Mr. Ken Johnson and owner Mr. John Kim were present at the meeting.

Associate Planner Camire presented amended conditions of approval, which addressed the site through discussions that staff had with the property owner. She mentioned that as part of the amendments, it is suggested that air conditioning units be painted and that a portion of the pole sign remain to be used as a security gate post. She added that some conditions were removed from the conditions of approval because the work has been already completed. Staff recommended that shrubs be planted in the rear space between single family homes and the chain link fence. The shrubs recommended were: Holly leaf cherry, rosemary barberry, Italian buckhorn.

Commissioner Lavelle asked for clarification on the chain link fence. Associate Planner Camire stated that the chain link fence will remain in its current location for safety measures.

DRAFT

In response to Chair Sacks' request for clarification on the requirement that air conditioning units be painted, Associate Planner Camire stated that the requirement could be added to the motion since it is not included in the current conditions of approval

Chair Sacks opened the public hearing at 7:46 p.m.

Ms. Patricia Kim, co-owner of the property, stated that her father maintains the property and that the family appreciated the City's position in maintaining the property. She spoke favorably about the prospective tenant, Ken Johnson. She indicated that a number of conditions of approval have already been fulfilled. In reference to Condition No. 3, she stated that she would like to retain a section of the pole sign to be used as a security gate support post. As for Condition No. 5, she agreed to have the storage container removed within at least two months. She requested more time to construct the trash enclosure as the neighboring property owner will be constructing a wall behind the prospective trash enclosure, and she would like to request that the wall be constructed before the enclosure. Speaking about Condition No. 7, she proposed a wooden fence because it would be consistent with that of other property owners and would address the privacy issue between the commercial and residential areas.

Mr. John Kim spoke in favor of having a wooden fence instead of the bamboos or shrubs. He asked for a reasonable time to fulfill the rest of conditions of approval and grant Mr. Johnson approval to start working.

Mr. Johnson requested that Condition No. 9 be separated from the conditions of approval since he already holds a license by the State of California. He also stated that he is a registered broker and that he was a manager at Wells Fargo and Worlds Savings. He added that the business will provide financial counseling, first time home buyers seminars, and will enhance the financial stability of the City.

Mr. Johnson clarified the proposed business at the request of Commissioner Peixoto and added that he practices under the jurisdiction of the State of California Department of Corporations and that he is required to submit reports on an annual basis.

Chair Sacks closed the public hearing at 8:03 p.m.

Principal Planner Patenaude, regarding pole signs, mentioned that the City policy is to recommend removal of non-conforming pole signs. The existing pole sign would be required to conform to this policy and be removed. As far as the landscaping, he mentioned that the shrubs suggested by staff would be an alternative to the bamboos and the problems associated with. Principal Planner Patenaude also mentioned that the suggested screen landscaping would provide an economical, efficient way to add aesthetic value to the property, and would create privacy for single homes to the rear.

Commissioner Zermeño asked for clarification about the pole sign and the removal of part of it. Principal Planner clarified the concern.

Commissioner McKillop asked for an alternative to the pole sign in directing people to the rear of the property. Principal Planner Patenaude indicated that the existing pole sign is a non-conforming



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, June 9, 2005, 7:30 p.m.
777 B Street, Hayward, CA 94541**

sign and that instead a 6-square foot sign or under could be used at the end tenant space on the wall or the window. The sign program for this building would address the issue, he added.

Commissioner McKillop, in regards to the landscaping issue, asked if the fence would be sufficient to create privacy for the residents in the rear.

Principal Planner Patenaude indicated that a masonry wall would be required to divide a commercial from the residential property.

Commissioner McKillop showed concerned for the difficulty in eradicating the existing bamboo. Principal Planner Patenaude indicated that the land would need to be monitored and mentioned the suggested types of shrubs to prevent homeless encampments as well as for privacy issues.

Commissioner Thnay, concerning the issue of landscaping, asked for staff's recommendation.

Principal Planner Patenaude stated that the screen landscaping would satisfy the privacy issues.

Commissioner Thnay, in reference to Condition No. 6 regarding the trash enclosure, asked if the City had a problem with waiting for the neighbor's wall to be built before the trash enclosure.

Principal Planner Patenaude responded that staff would be comfortable with having it completed within a certain number of days and not having it co-dependent with the project next door.

Principal Planner Patenaude answered Commissioner Bogue's concern about the trash enclosure and the neighboring property project, by stating that the project is on plan check and that a survey line has been established for the property and that the neighbors know where to construct a wall.

Commissioner Thnay commended staff in working on this project and expressed that the required changes are fair, and made a motion to approve the project amending Condition No. 6, to obtain the latest plan checks information for the adjacent wall to be located on the north property line and to have the trash enclosure constructed within six months. Commissioner Zermeño seconded the motion.

Commissioner McKillop suggested a friendly amendment to include that the painting of all air conditioning units be included in the conditions of approval. Also, she expressed that the applicant should not have to wait for the container to be removed. Additionally, she proposed deleting part of the wording in Condition No. 1, "all conditions shall be met prior to commencement of operations", and including a time certain such as the suggested by Principal Planner Patenaude of six months or one year.

Commissioner Lavelle commended the Kim family for their outstanding efforts in beautifying the City and was impressed by the modern appearance inside the property and the business plan. She acknowledged that Mr. Johnson is proposing to offer services beyond those of a simple payday loan

DRAFT

business. She was amenable with some of the conditions identified by staff and agreed with Commissioner McKillop to remove the requirement that all conditions be met prior to Mr. Johnson starting his business. She supported the recommendation to complete all requirements within one year from the time the permit is issued. Additionally, she mentioned that landscaping or wood fences would improve the aesthetic view of the customers parking in the back.

Commissioner Bogue was agreeable with setting a date for all the conditions to be met. He expressed concern about the landscaping and the removal of the bamboo by using chemicals and the survival of other plants. He expressed that it might be difficult to plant before the land becomes suitable. He added that six months to a year seems reasonable.

At the request of Chair Sacks for a suggestion of a reasonable set time to meet all the requirements, Principal Planner Patenaude stated that six months should be satisfactory.

Commissioner Thnay moved, seconded by Commissioner Zermeño, and unanimously approved to accept the project is Categorically Exempt from CEQA pursuant to Section 15301, Class (b), Class 1, Existing Facilities; and approve the application subject to the findings and conditions of approval including to add painting to the air conditioning units and changing the wording on Condition No. 1 from, "all conditions shall be met prior to commencement of operations" to "all conditions shall be met within one year".

2. Use Permit No. PL-2005-0096 – James Chao (Applicant), Unocal 76 (Owner) – Request to Construct and Operate a Car Wash at an Automobile Service Station - The Project is Located at 391 West A Street and the Northeast Corner of Arbor Avenue

Staff report submitted by Associate Planner Camire, dated June 9, 2005, was filed.

Associate Planner Camire presented the staff report.

Commissioner Peixoto, regarding the proposed location for the car wash, stated that the space behind is too narrow for the car wash to operate. Associate Planner Camire stated that the car wash will be located closer to the rear property line decreasing the 15-foot landscape setback. She added that the car wash can be integrated to a portion of the building and carried into a portion of the existing landscape area.

Commissioner Peixoto enquired if the County was consulted of the intent of the project. Associate Planner Camire responded that the County was contacted three times, but they did not express any concerns.

In response to Associate Planner Camire's confirmation that Tosco owns the vacant site across Arbor Avenue as well as the Union 76 project, Commissioner McKillop asked if there might be a way to include in the conditions of approval a clean up condition for that site. Commissioner McKillop mentioned that there is garbage and that the chain link fence is falling down. Associate Camire responded that since the site is a County property, the City would have to ask the County to impose enforcement on the site; however, would notify the owners about the matter.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, June 9, 2005, 7:30 p.m.
777 B Street, Hayward, CA 94541**

Planning Manager Anderly answered Commissioner Lavelle's question of the meaning of bollards in Condition No. 11 by stating that it is a barrier such as concrete filled pipe.

Commissioner Lavelle enquired about concerns by staff or the Police Department regarding crime issues at the proposed site. Associate Planner Camire stated that the only concern received was to ensure that the site continues to be well lit.

Commissioner Bogue expressed security concerns with the carwash tunnel being only 10 feet from the wall and the site light for the landscape area being diminished. Since the light standards are proposed to be removed, he asked for a plan to illuminate the building and the area. Commissioner Bogue also enquired about a tubular fence that would close off the area and permit light to travel through.

In response to both enquiries, Associate Planner Camire stated that they could be added as conditions of approval.

Chair Sacks opened the public hearing at 8:46 p.m.

Applicant Mr. James Chao thanked staff for the helpful assistance and accepted the conditions of approval presented with the exception of Condition No. 8 regarding the roll-up of doors. Mr. Chao expressed that the sound generated would not be noticeable because the closest point of the carwash will be about 100 feet away from Arbor Avenue and other residential areas. He mentioned that another client is currently building a carwash near the City of Martinez and through the sound analysis; 69 decibel sound level was derived, which he requested for this project as well. Therefore, he expressed disagreement for the need to raise and lower use the doors because that could create equipment wearing problems.

Commissioner Peixoto, speaking of the roll-up of doors, enquired if they are intended to run parallel to the drive-through. Mr. Chao stated that the doors would be located in the front and in the back. He stated that the City is the only City that has requested roll-up doors in the front and in the back.

Chair Sacks closed the public hearing at 8:52 p.m.

Commissioner Lavelle expressed support for the project and moved the item with the following changes: remove Condition No. 8 as requested by the applicant and change the hours of operation to be no later than 8:00 p.m., because of seniors residing close to the proposed business. Commissioner Zermeno seconded the motion.

Commissioner Thnay asked for staff input regarding the noise level of 69 decibels. Principal Planner Patenaude expressed agreement because the resulting noise levels will remain below the ambient noise level from the freeway, especially with the proposed closing time. He proposed to change the hour of operations to end at 9:00 p.m.

DRAFT

Commissioner Bogue asked for a friendly amendment to maintain Condition No. 8 and change the language to state that the roll of doors shall remain open during washing and drying operations as long as the noise of the car wash remains below the ambient noise level of the service station.

Commissioner Zermefio was amenable to the amendment.

Chair Sacks asked staff for hours of operation at other carwash businesses. Associate Planner Camire mentioned that the time for the Chevron Station at Foothill Boulevard and Grove Way and other gas stations is from 7:00 a.m. to 10:00 p.m. She added that most of the car wash businesses are of the kind of self wash or are Hutches carwashes.

Chair Sacks expressed disagreement for the amendment time of 8:00 p.m. and asked the maker of the motion to reconsider the time and concur with Commissioner Thnay's compromise of 9:00 p.m., or the original time.

Commissioner Lavelle was amenable to change the amendment to her motion and accept the time proposed by Commissioner Thnay of 9:00 p.m.

In response to Commissioner Zermefio's enquiry if the applicant could come back and request a time change, staff responded affirmatively.

Commissioner Bogue expressed concern for the space behind the carwash would not be visible from the other paved areas of the property. He suggested a tubular steel fence to separate that area as a security measure. He added that the proposed project could create areas where people could not see due to lack of lighting, which are currently not present.

Chair Sacks reopened the hearing at 9:00 p.m. and asked the applicant to come forward and join the discussion.

Mr. Chao suggested fluorescent recess lights along the stretch instead of a fence since there is already an 8-foot high wall separation. It would be designated to light up the area when a person walks by. He spoke in favor of adequate lighting.

Not having any other additional comments, Chair Sacks closed the hearing at 9:02 p.m.

Commissioner Bogue accepted the suggestion by the applicant of adequate lighting to soften the area and asked the maker of the motion to include such as the requirement to the motion. Commissioner Lavelle and Commissioner Zermefio accepted the inclusion.

Commissioner Lavelle moved, seconded by Commissioner Zermefio, and unanimously approved to accept the proposed project is Categorical Exempt from the California Environmental Quality Act (CEQA); and approve the use permit application subject to the findings and conditions of approval with removal of Condition No. 8, change hours of operations from 7:00 a.m. – 10:00 p.m., to 7:00 a.m.-9:00 p.m., and add adequate lighting to the back of the property.

Planning Manager stated that there is a 10 day-appeal period in which anyone can appeal the decision.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, June 9, 2005, 7:30 p.m.
777 B Street, Hayward, CA 94541**

Chair Sacks asked for a 5 minute recess at 9:05 p.m., and the meeting reconvened at 9:13 p.m.

3. Site Plan Review PL-2004-0435/Vesting Tentative Map Tract 7563 PL-2004-0436 - The Olson Urban Housing LLC (Applicant) / Ragewick Construction Company (Owner) - Request to Construct 56 Condominium Residences and to Allow a 10-Foot Rear Yard Setback Where 20 Feet is Required, to Allow a 4-Foot Deep Landscape Planter Without a 6 Inch Concrete Curb Where a 5-Foot Deep Landscape Planter With a 6 Inch Concrete Curb is Required, to Allow Parking in the Rear Yard Setback and to Allow Tandem Parking - The Project Is Located on Huntwood Avenue, Northerly of West Harder Road

Staff report submitted by Associate Planner Emura, dated June 9, 2005, was filed.

Associate Planner Emura presented the staff report.

Planning Manager Anderly asked that the Planning Commission include in the motion that they find that the vacation of the property be consistent with Hayward's General Plan.

Principal Planner Patenaude noted that this is the first project since the City has adopted its Inclusionary Housing Ordinance and the first project to request a density bonus since the new density bonus state law was adopted. He added that the project came before they had developed guidelines for the Inclusionary Housing Plan requirement, so that the condition of approval requires that an Inclusionary Housing Plan be submitted as part of the project and the Planning Director can approve such a plan that complies with the City's ordinance. If they later ask for waivers from the ordinance requirements, they would have to get approval from Council. He also noted that future plans will be coming with Inclusionary Housing Plans already drafted. He indicated the new law does allow projects that utilize density bonus to provide tandem parking for all of their units. He also added that at a later time, there would be density bonus ordinances for consideration as state law calls for cities and counties to adopt them. Even though the ordinance is not in place yet, he added that staff is comfortable with the level of development standard waivers that is being requested.

Commissioner Lavelle asked Associate Planner Emura about the number of units that would be available for moderate income households and the difference between moderate and affordable units, and she asked for guidelines related to qualifications for moderate household income. Associate Planner Emura responded that the RM Zoning allows 51 units and Olson is proposing 56 units, 15% of 56 units is 8 units. Associate Planner Emura stated that households earning no more than 110% of the average monthly income would qualify. Principal Planner Patenaude added that the number was developed specifically for the Oakland metropolitan area and takes into account the local earning circumstances.

Chair Sacks opened the public hearing at 9:32 p.m.

DRAFT

Mr. Joseph Bradford, with the Olson Company, expressed that he was honored to bring forward the fifth project that the Olson Company has in Hayward. He provided a PowerPoint and virtual presentations. Mr. Bradford noted that after seeing the revised conditions of approval, he accepts all and asked to reconsider Condition No. 12 that the downspouts and other similar appurtenances be on the exterior.

Commissioner Peixoto asked for the reason of the row house design for this project as opposed to the Renaissance Walk. Mr. Bradford responded that the density of the site, which supports up to 17.4 units to the acre, creates a need open space. He mentioned that it is the combination of open space, parking, and density that fits together in one place. Renaissance Walk does not have the open space, he added.

Commissioner Peixoto asked if the applicant had taken advantage of the density bonus law in other projects. Mr. Bradford responded that they are looking at this for the first time as well.

Commissioner Peixoto asked if he finds that this is an incentive to produce moderate income housing. Mr. Bradford responded that it is not only favorable for affordable housing but with the tandem parking creates a product that would not be allowed anywhere but the center of the City.

Commissioner Lavelle thanked Mr. Bradford for the visualization presentation. In response to Commissioner Lavelle's request for clarification of the tandem garage, Mr. Chris Texter, explained that the tandem garages have a traditional two-car garage size doors and two vehicles parked one ahead of the other with a traditional two-car garage style opening.

Planning Manager Anderly stated that the pictures showed by Bradford depict a mixture of a standard two-car, side-by-side, garage or in other cases there are tandem garages, which are two-car garages with one in front of the other.

Commissioner Zermeno enquired about the price that is not set for moderate income. Mr. Bradford responded that the numbers are around \$300,000 to \$325,000 for affordable income and about \$450,000 for other incomes.

Chair Sacks closed the public hearing at 9:51 p.m.

Commissioner Zermeno, regarding the downspouts on Condition No.12, asked staff if the reason for enclosing them within the structure was one of safety concern.

Principal Planner Patenaude expressed that they are agreeable to not having them enclosed. He mentioned that they typically ask for interior enclosures on commercial industrial buildings.

Commissioner Thnay commended the Olson Company for the project. He asked for staff's suggestion in recommending modifications to the façade, the arbor focal entrance, the additions of benches, and the decorative paving to enhance the entrance. He added that recreation improvements could include the size of half of NBA basketball court for more active adults. Additionally, he suggested a monument be added at the entrance and add bicycle lanes. He further commended the Olson Company for keeping affordable prices.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, June 9, 2005, 7:30 p.m.
777 B Street, Hayward, CA 94541**

Chair Sacks, speaking on the view of the alley way, expressed that as the applicant work on the project to consider colors and textures that would make the appearance less stark looking and make it more visually pleasant.

Commissioner Peixoto reiterated Chair Sacks' comments on the starkness and massiveness of the design. He noted that he likes the project at Renaissance, but would not support the project because it needs radical architectural changes.

Commissioner Zermefio indicated that the previous comments were geared to the back side of the condominiums and that although they may look stark, he mentioned that the front of the place looks acceptable. He spoke in favor of the project.

Commissioner McKillop expressed that she likes the project and the attractiveness of the interior and agrees that it might be too stark looking, perhaps due to the visualization. However, she noted that she was less concerned than other commissioners. With that she moved the project as proposed by staff, adding that the foregoing approvals be consistent with the General Plan and remove Condition No. 12 concerning the downspouts and include the vacation of City property. Commissioner Zermefio seconded the motion.

Commissioner Lavelle showed support for the project and concurred with Commissioner Zermefio that the back section of the homes probably is not an issue. She added that the project would be of tremendous improvement to the parcel in that area.

Commissioner Thnay expressed support for the motion and understanding for the position of Commissioner Peixoto and Chair Sacks, but believed it to be a trade off for open space. He also noted that the 20 feet alley is stark and suggested that it be changed.

Commissioner Bogue agreed that the alley way access to the garage is stark and even more with the limited amount of landscape in the location. He indicated that the open space is an offset to the starkness and suggested that the colors be improved. He supported the motion.

Chair Sacks also expressed support for the motion.

Commissioner McKillop moved, seconded by Commissioner Zermefio, and approved to recommend to the City Council: approval of the Mitigated Negative Declaration, Initial Study and Mitigation Monitoring Plan; approval of Mitigation Monitoring Plan; approval of the Site Plan Review application, subject to the attached findings and conditions of approval; approval of the reduction in development standards; and approval of Vesting Tentative Map Tract 7563, subject to the findings and conditions of approval and add that the foregoing approvals be consistent with the General Plan and remove Condition No. 12 concerning the downspouts and include vacation of City property.

DRAFT

AYES: COMMISSIONERS Lavelle, Thnay, McKillop, Bogue,
Zermeño
CHAIR Sacks
NOES: COMMISSIONER Peixoto
ABSENT: COMMISSIONER None
ABSTAIN: COMMISSIONER None

4. Text Amendment Application No. PL-2004-0632 – Joseph Bradford for The Olson Company (Applicant) – Request to Amend the Parking Ordinance to Allow Tandem Parking for Multi-Family Residences Citywide

Staff report submitted by Principal Planner Patenaude, dated June 9, 2005, was filed.

Principal Planner Patenaude presented the staff report.

Commissioner Zermeño, asking whether item No. 2 is within 1000 feet from three railroad stations, enquired whether public bus transportation, besides BART and AMTRAK, had been considered for increased percentages.

Principal Planner Patenaude responded that he looked at the AC transit lines and noted a problem with change of lines and variation of the level of service from line to line. He added that 35% consideration would reflect that some of the properties will have bus access.

In response to Commissioner Thnay's question concerning the density bonus law and a possible rejection of a project by the local jurisdiction, Principal Planner Patenaude responded that the Council cannot reject the project based on the issue. He added that the density bonus law also limits the ability to reject projects based on design issues.

Chair Sacks opened the public hearing at 10:23 p.m.

Mr. Joseph Bradford supported the flexibility that the text amendment brings. He added that the amendment will allow more projects to be built with affordable housing

Mr. Joseph Felson commended staff for considering tandem parking. Speaking on the Cannery Area, he mentioned that the Cannery is unique and more similar to the Central Parking District than any other area in the city that is subject to new projects. In the case of the Cannery, where there is high density, he mentioned that this kind of amendment might be tailored too tight. He proposed that, in the case of the Cannery, the circumstances of the specific project be reviewed on its own merits. He asked for the Planning Director's discretion to approve higher than 35% of tandem spaces.

Commissioner Bogue asked of the benefits or enhancements that the project offers by increasing from 30% to 40%. Mr. Felson responded that 40% will allow for maximum density without having to build a parking structure. He added that project would look like a semi urban development rather than a parking structure.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, June 9, 2005, 7:30 p.m.
777 B Street, Hayward, CA 94541**

Commissioner Zermeno asked if the 40% will allow one or two more extra units to be built in that particular area. Mr. Felson added that the extra 10% would help reach the target density.

Commissioner McKillop asked Mr. Felson if there was anything in the verbiage of the proposed amendment that could be changed to make it more accommodating to developers at large.

Mr. Felson indicated that he would like to add a sub paragraph with wording such as, "or unless approved by the Planning Director based on the facts and circumstances of the particular application including the Cannery Area." He indicated that the Cannery Area should be treated as a functional equivalent of the downtown, being more accessible to transportation in the downtown.

Planning Manager Anderly added that the Cannery Plan was adopted years ago and that the density is relatively high. She clarified that Mr. Felson is asking for some flexibility for the Planning Director to make some judgments and mentioned that the projects forthcoming for the Cannery Area will be reviewed by the Commission and Council.

Chair Sacks asked if a request for variance would be required if the project were to be approved as is today. Planning Manager Anderly responded that each variance requires appropriate findings. She added that the issue of flexibility should be a policy decision that the ultimate decision maker should do.

Commissioner McKillop asked if the request by Mr. Felson to add a paragraph granting more discretionary power to the Planning Director would work for staff.

Planning Director Anderly stated that the 30% and 50% are somewhat subjective. She mentioned that it would be better to make a decision on a case-by-case basis and develop criteria for going outside the proposed 35%, or where there is a specific plan, that calls for a density difficult to achieve otherwise.

Mr. Charles McKeag indicated that he is also pursuing a development project within the Cannery Area Design Plan and has an application pending with staff. He agreed with Mr. Felson that revision of the amendment would provide some sort of exemption specifically for the Cannery Area. He added that one of the challenges in the plan is trying to achieve the designated densities in a grid that does not adhere to property lines. He noted that for every unit that they cannot include in the site plan, there is another unit of affordable housing that does not get constructed. He added that the more units, the easier it is to shoulder the infrastructure cost and more feasible the production of affordable housing.

Mr. Bo Crane, with Standard Pacific, spoke on support of the ordinance.

Chair Sacks closed the public hearing at 10:46 p.m.

DRAFT

Commissioner McKillop appealed to the Planning Department to suggest the right verbiage to include the flexibility.

Planning Manager Anderly suggested that an increase in the percentage may be considered when the purpose is to achieve adoption of City policies.

Chair Sacks clarified the suggestion offered by Planning Manager Anderly.

Commissioner Zermeño expressed that he likes the idea of allowing more tandem parking, and he appreciates the guidelines of 30 to 50%, and would like to grant the Planning Director flexibility for other percentages.

Planning Manager Anderly clarified Commissioner Zermeño's suggestion to make it the decision-making body, which could be the Planning Director, Planning Commission, or City Council or whoever is making the final decision on a project.

Chair Sacks supported the suggestion presented by the Planning Manager. She supports that the guidelines be no more than 50% and spoke favorably about tandem parking.

Commissioner Thnay referred to the cities listed on page number 3 of the report and asked for the experiences and best practices expressed by the cities that currently allow tandem parking in their jurisdictions. He expressed that he is not comfortable with making a decision because of lack of information.

Principal Planner Patenaude indicated that through research staff did not find a good model and mentioned that Hayward would become a "test tube" for this. The experience that other cities have is limited and is on a case by case basis, he added.

Planning Manger Anderly mentioned that people's preferences for living seem to prefer the townhouse style, where they have their own garages, as opposed to stacked apartment units. She mentioned that in trying to get development in the downtown, they were pushing for higher density near BART, yet the market is such that developers are reluctant to do it and tandem parking seems to be the solution.

Commissioner Zermeño added that the approval of the project would allow for higher density housing. He also mentioned the need for the flexibility.

Chair Sacks, in regard to space, mentioned that among things that should matter are: visibility, not having street parking right at the end of the driveways, and the speed that is traveled on that road that is in front of driveways. In the long run, the responsibility would fall on the developers, she added.

Principal Planner Patenaude mentioned, in looking for flexibility, that those statements provide the Planning Director with flexibility to review particular projects.

Commissioner McKillop moved the project as recommended by staff and including an item 5 that reads as, "or at the discretion of the decision making body where the project has been designed to



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, June 9, 2005, 7:30 p.m.
777 B Street, Hayward, CA 94541**

meet the intent of City policies or achieve specific City goals and objectives” Commissioner Zermeño seconded the motion.

Commissioner Lavelle expressed that she wanted to continue the item until more input from residents is received to produce a better decision. She expressed that she would vote against the motion for different reasons. She mentioned that the developers spoke eloquently about the tandem parking but that she has not heard from neighbors or residents. Practices are mixed and she felt that tandem parking would not encourage residents to park inside the garage, which would yield more cars in the streets.

Commissioner Bogue expressed that he would vote against the motion due to the lack of data on tandem parking. He mentioned that there needs to be clarification of circulation routes. He supported that the decision-making body should be involved.

Principal Planner Patenaude, responding to Commissioner Lavelle’s concern that the tandem parking might not be used, said that generally a site plan review application would be required and one of the standard conditions is that a garage cannot be converted to anything other than parking.

Commissioner Peixoto expressed that he would vote against the motion because he is against tandem parking. He mentioned that a number of projects approved that dealt with parking, prior to him becoming a commissioner, received concerns by Hayward residents and noted that tandem parking does not address families with multiple cars. He added that the current ordinance provides opportunities for tandem parking and one of them is the density bonus program under the state. He expressed lack of data collected from other cities and need for more community input before making a decision.

Commissioner Zermeño supported tandem parking in that it would increase home ownership.

Commissioner Thnay noted that the project has merits but expressed a need for more information. Commissioner Thnay made a substitute motion to recommend that the project be continued and brought back with further supportive information pertaining to tandem parking in other cities and to solicit information from the public.

Commissioner Bogue asked to develop reasons for allowing an increase in the percentage of 35 or 50, and to develop definitions for circulation route and evenly spaced. Commissioner Bogue seconded the motion.

Planning Director Anderly suggested not to place a certain date but to leave it so it could come back before the August break.

Commissioner McKillop recommended staff to allow more discretion when an additional motion is drafted.

DRAFT

Chair Sacks spoke favorably about tandem parking and commended the work done by staff. The motion passed with the following vote.

AYES:	COMMISSIONERS Lavelle, Thnay, McKillop, Bogue
	CHAIR Sacks
NOES:	COMMISSIONER Peixoto, Zermefio
ABSENT:	COMMISSIONER None
ABSTAIN:	COMMISSIONER None

ADDITIONAL MATTERS

5. Oral Reports on Planning and Zoning Matters

Planning Director Anderly noted that there will be a Joint City Council Planning Commission Work Session on June 21, and there will be Planning Commission meeting on June 23. Additionally, she mentioned that the first meeting in July will be the time to elect a new chair.

6. Commissioners' Announcements, Referrals

Commissioner Peixoto asked for an update on the status of the Super 8 Motel signage. Principal Planner Patenaude stated it has been resolved. He also informed staff of a narrow property on B Street and Second Street, next to a Methodist Church, that has excessive weeds in that area. He asked whether it is on City property or on owner property. Principal Planner Patenaude stated that he would pass on the concern to the Community Preservation team.

Commissioner Thnay reported that an area on Mission Boulevard between La Vista Quarry and Calhoun Street, and St. Clement is filled with potholes.

Commissioner Bogue reminded that next Thursday, June 16 from 5:30 to 8:30, is the first of this year's Street Parties in the downtown. According to him, they are trying to fit as many classic cars as possible and they are trying to narrow the field to accommodate the demand. He stated that it is the third Thursday of each month in June, July, August, and September.

APPROVAL OF MINUTES

Minutes of May 12, 2005 were approved.

Minutes of May 19, 2005 were approved

ADJOURNMENT

Chair Sacks adjourned the meeting at 11:23 p.m.

APPROVED:

Julie McKillop, Secretary
Planning Commission



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, June 9, 2005, 7:30 p.m.
777 B Street, Hayward, CA 94541**

ATTEST:

Miriam Lens
Commission Secretary